

Reasonable Accommodations

Tips for Running an Inclusive Service Program



AmeriCorps State and National 2015 Symposium



Corporation for
**NATIONAL &
COMMUNITY
SERVICE** 

Definition of “disability”

Current definition from the ADA Amendments Act of 2008:

“A person has a disability if they have a mental or physical impairment that substantially limits one or more major life activities”

Non-exhaustive list of “major life activities”

- Performing manual tasks
- Seeing
- Hearing
- Speaking
- Breathing
- Walking
- Standing

Defining “disability”

- Episodic Impairment: An impairment that is episodic or in remission is still a disability if it would substantially limit a major life activity when active
- An impairment that substantially limits just one major life activity need not limit other major life activities in order to be considered a disability

Defining “disability”

- There is a “big tent” interpretation of who has a disability according to the Americans with Disabilities Act. The ADA states that those interpreting whether someone has a disability or not should err on the side in favor of coverage by the ADA.
- There is another part of the ADA definition that applies to people who have been “regarded” as a person with a disability or have had “a record of” having a disability in the past). People who fit these categories receive protection from discrimination under the ADA on this basis as well.

People with disabilities

- Creativity
- Low turn-over
- Diversity
- Fresh perspective
- High performance expectations

Issues

- Allowing presumptions about disability to dictate the course of action
- Taking action based on fear or lack of knowledge
- Lack of understanding how the accommodation process works
- Not knowing what to do when things aren't running smoothly

Selection – discussion and timing tips

- Position description/posting written materials
 - Focus on essential functions versus how things are done
- Extending offer for an interview
 - Be prepared for accommodation request

Who would know ...

- Disability manifests differently for everyone
- Person with disability is the expert about his/her disability
- There are other experts on disability accommodations once you're at that stage
 - Doctors
 - Rehabilitation Counselors
 - Occupational Therapists
 - Job Accommodation Network (JAN)

Selection – during interview

- Cannot ask about disability or accommodations in the interview
 - However, applicant with a disability has the right to disclose
- Ask all applicants problem-solving questions and questions about their experience
- Keep your presumptions about how disability impacts performance
- Determine suitability based on experience, reference checks

ADA/504 and Reasonable Accommodation

- The ADA and Section 504 of the Rehab Act requires reasonable accommodation
 - 504 applies to all CNCS grantees (all those receiving federal funds)
- *An interactive process* is recommended

Why develop a reasonable accommodation policy?

- Provide consistency in accommodation process
- Ensure successful accommodation outcomes
- Demonstrate good faith effort to comply with the ADA; remember it's the LAW!

An Accommodation Process

- Step 1: Recognize Request
- Step 2: Gather Information
- Step 3: Explore Accommodations
- Step 4: Choose Accommodations
- Step 5: Implement Accommodations
- Step 6: Monitor Accommodations



1) Recognizing accommodation request

- EEOC: Request can be in plain English, no magic language
- Problem related to medical condition = request for accommodation
- All managers should know how to spot a request, even if they don't handle accommodations

Tips for recognizing a request

- Err on the side of caution
- Act quickly
- Assign responsibility
- Conduct training



2) Gathering information

- Necessary information may include documentation of the disability and need for accommodation, unless the service member's disability and need for accommodation are obvious
- Not obvious: What limitations are interfering with performance
- Member is best source about his/her disability and possible accommodations

Tips for gathering information

- Find out the limitation and problem
- Get information from the person with a disability when possible
- Remember the ADA rules for medical inquiries: ask for what is necessary, not all records

3) Exploring accommodations

- Keep an open mind
- Invite the service member with a disability to suggest accommodations
- Ask the service member's medical provider for ideas
- Use JAN when needed

4) Choosing accommodations

- Consider the service member's preference
- Consider a trial period

5) Implementing accommodations

- Make sure all necessary steps are taken to implement the accommodation.
- Communicate with essential personnel about the accommodation, remembering confidentiality

6) Monitoring accommodations

- Check on effectiveness
- Maintain the accommodation
- Encourage ongoing communication
- When purchasing new products and equipment
 - Do not forget about existing accommodations
 - Remember to consider accessibility issues

Reviewing the process...

Step 1: To recognize the request for accommodation, even if it is not stated as such

Step 2: To gather information from the service member and medical personnel regarding the limitation and problem

Step 3: To explore various options for accommodation

Step 4: To choose which solution to implement

Step 5: To implement the selected accommodation

Step 6: To continue to monitor the accommodation for effectiveness after its implementation

Designing a disability engagement plan

- Accessibility: physical and electronic accessibility, advertising, and interviewing, provide reasonable accommodations
- Building Relationships
- Deepening Relationships: Member Pipeline, American Job Centers. Employment Network

Recruitment ideas

- Local College or University Disability Accommodation Office
- State agency for Vocational Rehabilitation
- Local Independent Living Centers
- Membership-based organizations comprised of individuals with a particular disability

ASN reimbursement process

- BUDGET – PERMITTING/Subject to OMB
- Provide receipts for reimbursement
- Submit via email : accommodations@cns.gov
 - Type of disability
 - Type of accommodation
 - Cost
 - Three sources
 - Contact person



Inclusion tips recap

- Remove barriers
- Foster recruitment relationship
- Distribute accessible recruitment information
- Ensure access during interviews
- Develop process for accommodations
- Connect with JAN for ideas, support, and vendors
- Tweak things; don't abandon ship

CNCS resources

- Disability inclusion e-courses:
 - Modern Disability 101
 - Creating a Welcoming Environment
 - Why People with Disabilities Benefit Your Program
 - Making Reasonable Accommodations
 - Designing Your Disability Engagement Plan
 - www.nationalservice.gov/resources/disability-inclusion/
- Stephanie Enyart
 - senyart@cns.gov or disability@cns.gov

Other resources

- Vocational Rehabilitation
- Centers for Independent Living
- State-based borrowing for assistive technology
- Find sources and many other resources through Job Accommodation Network www.askjan.org